

## ARE NOT PLEDGED FOR JORDAN BILL

Members Feel It Would Permit Republicans to Call Prohibition Election.

Some members of the House of Delegates feel that their pledges to vote for the enabling act do not cover the provisions of the Jordan bill and that therefore these pledges are not binding upon them. The distinction is being discovered and generally commented upon.

Queries sent out last summer and autumn by the Antislavery League in the different localities contained a set form evidently coming from convention resolutions or from headquarters. They asked the question if the candidate would vote for an act to permit an election on the subject of prohibition upon a petition of 25 per cent of the qualified voters of the State. Those who were nominated and elected after making an affirmative promise, it is now claimed, are in no wise bound to vote for the Jordan bill, since that measure permits an election to be called by the Governor on petition of a number "equal to 25 per cent of those voting in the last preceding general election for State officers." This means, of course, the last election for Governor.

Now the number of qualified voters in Virginia, counting those who have paid their poll taxes and the veterans, who need not pay, is about 275,000. The number who should sign a petition, according to the pledges asked by the Antislavery League, would be about 71,750. Yet under the Jordan bill only about 27,500 signatures would be required, or 25 per cent of the 110,000 people who voted for State officers in 1909.

It is argued that the Republicans of the State alone could muster more than the 27,500 signatures, and thus force an election for the financial and political units of which the Democrats, as the dominant party, would be held responsible.

It is possible that amendments will be offered to make the Jordan bill conform to the pledges of the members.

## GOVERNOR FINDS NO RIGHT OF VETO

Returns City Treasurers' Amendment Without Action—Is Now in Effect.

City treasurers and commissioners of the revenue have won their fight for resubmission of the amendment to the Constitution which would permit them to succeed themselves indefinitely. The final scene came yesterday, when Governor Mann returned to the House of Delegates the joint resolution proposing submission, with the finding that it was a matter with which he has nothing to do. As a result, the action of the Legislature stands.

Along with this message, the Governor returns the opinion of Attorney-General Samuel W. Williams, on which his action is based. The Attorney-General quotes decisions of courts of other States and of the Supreme Court of the United States, and concludes that a Governor has no jurisdiction over the proposal of submission of a change in the Constitution.

**Is Not Lawmaking.**  
A decision in Pennsylvania says that such action is not law-making, but a specific exercise of the power of the people to make their Constitution. It was further stated in an opinion rendered that the necessity of action by a Governor cannot be read into the Constitution by implication.

A similar holding was referred to as coming from the United States Supreme Court. In Maryland it was held that the Legislature is an agency chosen by the people, and could alone propose an amendment. The fact that the resolution was in the form of a bill—"Be it

enacted"—was said to be a matter of form, and not material.

Judge Williams concludes his opinion by saying that under the circumstances it was not necessary for him to go into the other question propounded to him by Governor Mann, as to the constitutionality of submitting the amendment this year.

**Message to House.**  
The Governor's message is as follows:

To the House of Delegates of Virginia: Herewith I return unsigned the measure directing the resubmission to the people of Virginia of the amendments to sections 119 and 120 of article 8, of the Constitution, the first affecting the right of city commissioners of the revenue to succeed themselves, and the second the right of city treasurers to succeed themselves.

It is not necessary for me to express my opinion as to the constitutionality of this measure, but when I received and carefully considered it, I seriously doubted my power to approve or veto the proceeding of the Legislature, because it seemed to me that under section 196 of the Constitution, the right of amendment is a complete system in itself, and that legislative action thereupon is entirely independent of the approval or disapproval of the Governor; it being plain that if the Governor has the right to veto it might require a two-thirds vote of the General Assembly to submit an amendment to the Constitution to the people. Although the Constitution says this can be done by a majority vote, I therefore submitted the question to the Attorney-General, whose opinion will be submitted with this message, and as several States and the Supreme Court of the United States, is of opinion that I have nothing to do with the proceedings of the Legislature for amendments to the Constitution, I return the measure without action on my part.

(Signed)  
WILLIAM HODGES MANN, Governor.

## HOUSE MEMBERS SPEND BUSY DAY

(Continued from First Page.)

Gayle, the patron, rather than have a recommendation to the Committee on Finance, moved to pass the bill by.

Senator West vigorously fought the bill on the ground that it would permit the city to condemn Norfolk's water supply. The debate on this proposition was not concluded.

**Doctrine of Negligence.**  
An important bill, in the eyes of lawyers, which the House passed was that modifying the doctrine of contributory negligence so that an employee killed or injured shall not be held guilty of negligence where the violation by the common carrier of any statute enacted for the safety of employees contributed to such injury or death. Attempts were made to amend the bill by adding employees of street railways to its provisions, but its advocates protested that the effect would be to kill the measure entirely, and it was left applicable only to steam railroads.

In the language of John W. Chalkley, the House administered a strong dose of centralized equalization to the mineral and land owners of the State in passing a bill regarding the regulation of assessments of this property for taxation. When the State mineral land assessor and the local commissioner of the revenue disagree, the local circuit court is to be appealed to. Mr. Chalkley said he hoped the House would later on take a dose of its own medicine as to tax equalization.

The measure exemption bill, this time in the form of a minimum of \$35 the month, was again reported yesterday afternoon from the Senate Committee for Courts of Justice by a vote of 5 to 4.

**HOUSE**

**Morning Session.**  
After prayer by Rev. E. C. Buck had opened the House proceedings yesterday, Chairman A. M. Bowman, of the Committee on Finance, moved that the Tax Commission bill be made a special and continuing order for Thursday at 1 o'clock.

Mr. White, of Rockbridge, protested that, as the bill had not been printed, the time was too short to give proper

## Strong Evidence of Great Virtue

Mrs. Emaline Blaylock Gives Her Experience, Many Are Interested in Case

Mrs. Emaline Blaylock, of 521 Church Street, city, has this to say of "Tona Vita," the new tonic that is making such a record in Richmond at present: "I have been in a miserable condition of health for several years. I never did know exactly what was the matter with me. I just felt half dead all the time. I got no enjoyment from anything and could not eat or sleep or properly attend to my affairs."

"I was as tired in the morning as when I went to bed, and stayed that way all day. My nerves were in a frightful state, and the least little thing would upset me and make me very nervous."

"I caught cold easily and had a poor circulation and very little strength. My appetite was poor, and when I did eat heartily I would be troubled with indigestion."

"A short time ago I got some of this 'Tona Vita' after talking with one of the specialists. The first thing I noticed I began to sleep better and did not toss all night as formerly. Then my appetite began to improve and my food did not distress me. I have grown steadily stronger each day, and now I hardly seem like the same person."

"I have tried much medicine in the past, but nothing I have taken compared with this. It has made me into a well woman when I had about given up hope."

The specialists who are introducing the new tonic in Richmond say that several thousand people are now taking the remedy in this city.

"We are selling 'Tona Vita' to a great many people here," said one of the specialists yesterday, "but when you think that this city has hundreds of half-sick people who would be immensely benefited by the tonic, it does not seem as if we are accomplishing as much as we should. However, the demand is growing larger very fast, as people who are taking the tonic tell their friends what it has done, and this does more than anything else to make people realize what a really wonderful remedy 'Tona Vita' is."

We will continue to meet callers at the Polk Miller Drug Company, 834 East Main Street, from 9 A. M. to 8 P. M., as long as we remain in Richmond. If the tonic does not do all we claim for it the purchase price is refunded."

Yesterday and today continued to bring more splendid reports to the Polk Miller Drug Company in regard to the new remedy, "Tona Vita," which has had such a tremendous run at their store. Its effects appear to be a long list of ailments, especially in stomach diseases and nervousness and as a general system builder.

consideration to the measure. Colonel Harwood said the bill had been printed and would be distributed during the day, and that no delay should be further had on so important a measure. Mr. White asked for "a square deal," but lost his amendment. The Bowman motion being carried.

Mr. Kemper moved to discharge the Committee on Roads and Internal Navigation from further consideration of a bill in relation to tolls on turnpikes, but just on a point of order.

**Trust Company Bill.**  
Mr. Montague moved to take up his trust company bill out of its order, for the purpose of having it amended and changed, which have been asked for by those interested, and which makes the bill acceptable to all.

Mr. Peyton proposed an amendment to permit trust companies to be organized with a minimum capital of \$50,000, instead of \$200,000, as proposed in the bill. He thought the high figure would prevent such concerns in country districts. Mr. Rutherford disagreed, saying that trust companies in small towns were unlikely, and that a large capital should be required in consideration of the powers granted. However, the Peyton amendment was carried and the bill was engrossed.

On motion of Mr. Land, the Himegrinding bill was made a special and

continuing order for 1 o'clock to-morrow.

Mr. Bain called up out of its order his bill to prevent the sale of cider which is not the pure product of fruit. Mr. Banks moved to pass it by, which was defeated, 27 to 21. The bill was amended and engrossed.

**Ten-Hour Labor Bill.**  
Mr. Creamer moved to take up his bill extending the provisions of the ten-hour law for women and children to mercantile establishments, work-shops and laundries. It has heretofore applied to factories, and it is designed to extend its operation to stores. He secured consideration by a vote of 42 to 16.

An amendment was offered by Mr. Lunsford exempting establishments from the packing of fruits and vegetables from the provisions of the bill during the months of July, August, September and October. Mr. Creamer accepted this, and it was agreed to.

Mr. Kemper moved to amend by extending Saturdays, so as to allow longer hours on that day. Mr. Creamer opposed this, saying this was the special evil aimed at, inasmuch as Saturday is the day when the longer hours are most likely to be required.

Mr. Gilliam wanted to strike out mercantile establishments entirely, but later withdrew this.

The Kemper amendment was heartily favored by Mr. Watts. He said that Saturday is the only time when many working people can do their shopping, and that it would be a hardship to require the closing of stores early in the afternoon. Mr. Creamer replied that there was nothing in the bill regarding the hours when stores may be kept open. If they desired to cater to late trade, they could have employees who could come to work at noon and remain for ten hours.

**Exempts Small Towns.**  
Mr. Oliver agreed to amend by making the law not apply to towns of 1,000 inhabitants or less and country districts. For this he was criticized by Mr. Watts, as saying the law was a good thing for cities and not good for Mr. Oliver's own rural constituency.

Conditions are altogether as different, replied Mr. Oliver, who said that the country merchant and employer has a personal interest in the people who work for him.

Mr. Oliver's amendment was lost, and the Oliver amendment was carried. The bill was then ordered to its engrossment.

The bill regulating child labor was then called up out of its order. Speaker Mr. Byrd, Mr. Cox in the chair, handed it to consideration, being its patron. Mr. Lunsford got through a similar amendment as to the ten-hour law excepting canneries. Mr. Montague offered an amendment, moved to be by Mr. Byrd, that the law should go into effect on July 1 of this year, instead of on March 1. Another amendment by Mr. Montague, including mines in the operation of the bill, was accepted.

On motion of Mr. Chalkley, the bill was further amended so as to permit circuit courts to grant permits in specific cases on petition.

**Allow Work at Night.**  
Mr. Montague proposed an amendment to strike out the hours named in the bill during which children shall not work, these being from 6 o'clock in the evening to 7 o'clock in the morning. He said that so long as the hours are limited to ten it should make no difference whether it was in the day or night.

Mr. Byrd vigorously opposed this. He was willing to make the latest hour to which children may work 8 o'clock, instead of 6 o'clock, so as to include delivery boys for stores, but no later.

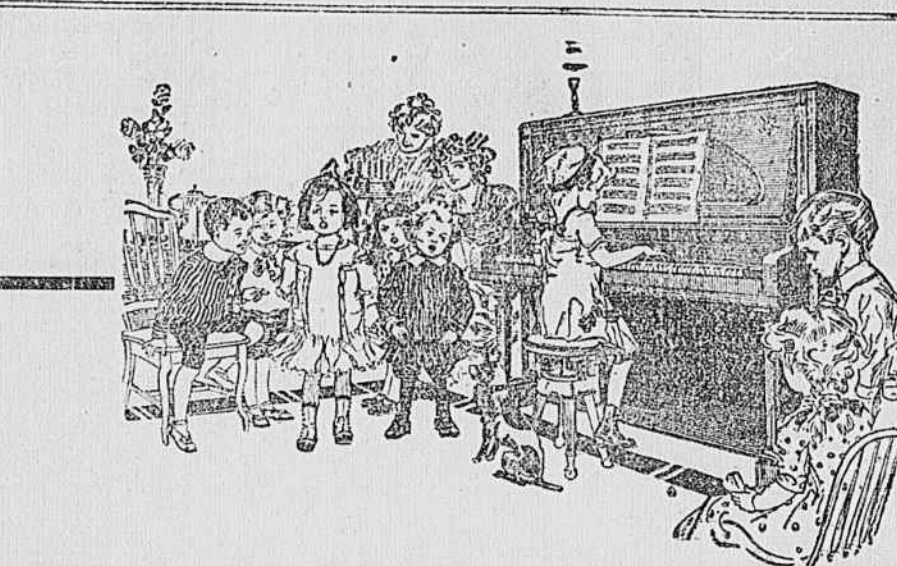
Families are sometimes supported by boys who are on night shifts, said Mr. Montague, and the bill would work injustice in such cases.

Such an argument would prevent legislation at all on this subject, returned Mr. Byrd. "There are glass factories in this State which work boys at night. We are glad to have them, but if in order to keep them we must permit the employment of children, they should be allowed to go elsewhere."

**Sordid Civilization.**  
"We are here to legislate for the whole State. I care nothing for a sordid civilization based on the labor of little children. It is not a question of industry; it is a question of the lives of children, of their happiness and of their right to grow up well and strong men and women."

The Byrd amendment to extend the hours to 8 o'clock at night was carried, and the Montague amendment was lost.

Mr. Bain moved to exempt towns of 1,500 people or less from the operation of the law, which Mr. Oliver amended



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by making it 2,000, this being agreed to. The bill was engrossed.

Then, on motion of Mr. Throckmorton, the House went back to the ten-hour bill, and changed it so as to conform in its exceptions to child labor proposition by making both apply only in towns of more than 2,000 population.

The bill exempting certain kinds of slot machines from license tax was considered and amended by Mr. White so as to make the exception include natural waters sold at 1 cent a glass.

**Salaries of Judges.**  
Mr. Coleman withdrew his objection, made on Saturday, to the bill increasing the salaries of judges of the Supreme Court of Appeals to \$5,000 a year. He had been under a misapprehension, he said, and had since found that it would not apply until the beginning of the next term. He moved to take the measure up out of its order.

Judge Williams opposed the repeated motions to call up bills in this matter. The motion to take up was lost, 32 to 48.

The calendar being reached, there came up first the motion engrossed several days ago by Mr. Throckmorton to reconsider the vote by which the bill lengthening the hours of labor of State employees was ordered to its engrossment. The bill makes the hours 9 to 5 o'clock, except on Saturdays, when they are 5 to 2. Mr. Throckmorton moved to make the hour noon on Saturdays.

Mr. Stephenson, of Bath, said the present hours are unfair to the people who pay the taxes, and asked the House not to reconsider. The Throckmorton motion was lost. "The bill was put on its passage and passed, 84 to 4."

**Governor's Message.**  
Secretary Ben Owen brought a message from the Governor containing the report of the commission which presented a bronze cast of the Houdon statue of Washington to the republic of France, and suggested that it be printed as containing much material and illustrations of historical importance.

He also returned, without action, the joint resolution proposing amendments to the Constitution so as to permit city treasurers and commissioners of the revenue to succeed themselves.

Next came the motion engrossed last week by Mr. Oliver to reconsider the vote by which House bill No. 111 was ordered to be engrossed. This bill regulates and defines the liability of common carriers for injuries to their employees from negligence.

Mr. Oliver said the bill as it stands would apply to stage lines and such minor operations, and he wanted to amend it.

Mr. Montague opposed this, as did Mr. White, who said it was intended to give to the people of Virginia the same rights granted in interstate matters by Congress in a bill now declared constitutional.

At this point, the hour of 2 o'clock having arrived, the chair was vacated until 4 o'clock.

**Afternoon Session.**  
When the chair was resumed at 4 o'clock Mr. Weaver secured the floor on the White bill. This measure provides that no employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by the common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

The bill, said Mr. Weaver, applied only to steam railroads. At the morning session Mr. Montague had opposed reconsideration of the vote for the purpose of offering an amendment "to include street railways, because such concerns had not been heard. This looked fair, but he had since been informed that another bill of the same sort was on the calendar applying to street railways, and that the com-

panies had been heard on this. Therefore he wanted to see an amendment to add this class of roads.

**The Other Won't Pass.**  
Mr. White said that the other bill referred to applied to everybody, practically abolishing the doctrine of contributory negligence. But he hardly expected it would be passed by this or perhaps by any Legislature, so he wanted this bill, which treated the doctrine of fellow-servant and contributory negligence rather as a comparative than an absolute proposition.

In view of this, proceeded Mr. Weaver, he did not see why fish should be made of one and fowl of the other. If it was right to take from the contributory negligence procedure as to steam railroads, it was equally right to do so as to street railways.

Daniel Coleman made a plea to kill the amendment, as its real meaning would be to defeat the measure itself. It was an effort, in his opinion, on the

part of railroad companies to defeat legislation for the good of the people. Street car employees were not subjected, in his opinion, to as great risks as are men who work on steam railroads.

Mr. Oliver denied that he intended to kill the bill by amending it. He called on Mr. White, the patron, to bear witness that he had favored it. The Rockbridge member admitted this, but said that the amendment would kill the bill as effectively as would a motion to disamuse. Speaking finally to his amendment, Mr. Oliver said that in his section of the State more people are hurt on street railways than on steam roads.

The House voted the Oliver amendment down, 30 to 42, and then passed the bill by a vote of 47 to 11.

**Reduces Deed Taxes.**  
Next came the motion of Mr. Montague, previously entered, to reconsider.

(Continued on Eighth Page.)

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